

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**George N. Queeley, M.D. )**

**Case No. 800-2017-029799**

**Physician's and Surgeon's )  
Certificate No. G 12912 )**

**Respondent )  
\_\_\_\_\_ )**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on October 12, 2017.**

**IT IS SO ORDERED October 5, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 KEITH C. SHAW  
Deputy Attorney General  
4 State Bar No. 227029  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-029799

13 **GEORGE N. QUEELEY, M.D.**

14 **STIPULATED SURRENDER OF**  
15 **LICENSE AND ORDER**

16 354 Orange Street #106  
Oakland, CA 94610-2956

17 **Physician's and Surgeon's Certificate No. G**  
18 **12912**

19 Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
24 of California (Board). She brought this action solely in her official capacity and is represented in  
25 this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw,  
26 Deputy Attorney General.

27 2. Respondent George N. Queeley, M.D. (Respondent) is represented in this proceeding  
28 by attorney H. Paul Bryant, Esq., whose address is: Law Offices of H. Paul Bryant, 825  
Washington Street, Suite 303, Oakland, California 94607.

3. On or about February 10, 1967, the Board issued Physician's and Surgeon's Certificate No. G 12912 to George N. Queeley, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-029799, and will expire on February 28, 2019, unless renewed.

## JURISDICTION

4. Accusation No. 800-2017-029799 was filed on September 22, 2017 before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. A copy of Accusation No. 800-2017-029799 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-029799. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2017-029799, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent, acting through his attorney, understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his attorney. By signing the stipulation, Respondent, acting through his attorney, understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License and Order, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

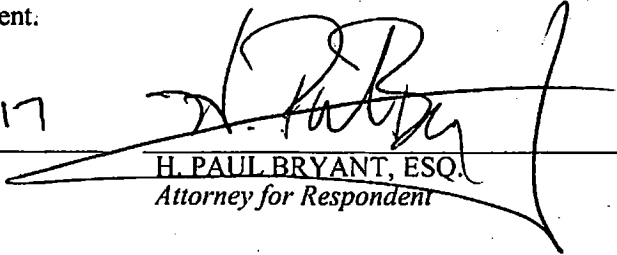
## ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 12912, issued to Respondent George N. Queeley, M.D. is surrendered and accepted by the Medical Board of California.



1 I have read and fully discussed with Respondent George N. Queeley, M.D. the terms and  
2 conditions and other matters contained in the above Stipulated Surrender of License and Order. I  
3 approve its form and content.

4  
5 DATED: 9/20/17

  
H. PAUL BRYANT, ESQ.  
Attorney for Respondent


8 ENDORSEMENT

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
10 for consideration by the Medical Board of California of the Department of Consumer Affairs.

11 Dated: 9/22/17

Respectfully submitted,

13 XAVIER BECERRA  
Attorney General of California  
14 JANE ZACK SIMON  
Supervising Deputy Attorney General

15   
16 KEITH C. SHAW  
17 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2017-029799**

XAVIER BECERRA  
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JANE ZACK SIMON  
Supervising Deputy Attorney General  
KEITH C. SHAW  
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MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2017-029799

**George N. Queeley, M.D.**

**A C C U S A T I O N**

354 Orange Street #106  
Oakland, CA 94610-2956

**Physician's and Surgeon's Certificate  
No. G 12912,**

Respondent.

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California.
2. On or about February 10, 1967, the Medical Board issued Physician's and Surgeon's Certificate Number G 12912 to George N. Queeley, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2019, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Medical Board of California (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.



1       4.     Section 2227 of the Code provides that a licensee who is found guilty under the  
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
4 action taken in relation to discipline as the Board deems proper.

5       5.     Section 2234 of the Code, states:

6       "The board shall take action against any licensee who is charged with unprofessional  
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
8 limited to, the following:

9       "(b) Gross negligence."

10       "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
11 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
12 the applicable standard of care shall constitute repeated negligent acts.

13       "(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
14 for that negligent diagnosis of the patient shall constitute a single negligent act.

15       "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
16 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
17 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
18 applicable standard of care, each departure constitutes a separate and distinct breach of the  
19 standard of care."

20       6.     Section 726 of the Code states:

21       "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,  
22 or customer constitutes unprofessional conduct and grounds for disciplinary action for any person  
23 licensed under this or any initiative act referred to in this division.

24       "This section shall not apply to sexual contact between a physician and surgeon and his or  
25 her spouse or person in an equivalent domestic relationship when that licensee provides medical  
26 treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent  
27 domestic relationship."

28     ///

1       7.     Section 729 of the Code states:

2       “(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any  
3     person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol  
4     and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation,  
5     or sexual contact with a patient or client, or with a former patient or client when the relationship  
6     was terminated primarily for the purpose of engaging in those acts, unless the physician and  
7     surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to  
8     an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse  
9     counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and  
10    drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon,  
11    psychotherapist, or alcohol and drug abuse counselor.”

12                               **ETHICAL PRINCIPLES**

13       8.     The medical profession has long subscribed to a body of ethical statements, set forth  
14    and adopted by the American Medical Association and known as *The Principles of Medical*  
15    *Ethics*. *The Principles of Medical Ethics* represent standards of conduct which define the  
16    essentials of honorable behavior for a physician. These principles establish that the relationship  
17    between a patient and physician is based on trust, and gives rise to an ethical obligation on the  
18    part of the physician to place the patient's interests above his or her self-interest.

19                               **FIRST CAUSE FOR DISCIPLINE**

20       **(Sexual Exploitation and Misconduct with a Patient/Violation of Ethical Principles)**

21       9.     Respondent George N. Queeley, M.D.'s certificate to practice medicine is subject to  
22    disciplinary action for unprofessional conduct under sections 2234, 726 and 729 of the Code, and  
23    a violation of ethical standards, in that Respondent engaged in sexual misconduct and/or sexual  
24    exploitation of Patient<sup>1</sup> during the time he was his physician. The circumstances are as follows:

25    ///

26    ///

27               <sup>1</sup> The patient is identified only as “Patient” to protect their right to privacy. The patient’s  
28    identity will be revealed to Respondent in discovery.

10. Patient had recently sustained a work-related injury and was referred to see Respondent, an Occupational Medicine physician. Patient, a caregiver, had been assaulted at work when an individual punched him in the nose and struck him over the back with a walker.

11. On or about January 19, 2017, Patient arrived for his scheduled appointment and met with Respondent alone in an examination room. Patient presented with an elevated blood pressure. Respondent had Patient remove his shirt and proceeded to touch Patient's face. Respondent instructed Patient to lay face down on the examination table, then Respondent pulled down Patient's pants and began massaging his buttocks. Respondent asked Patient where the pain was while at the same time spreading Patient's buttocks. Respondent asked Patient to turn over and Patient complied. Respondent then pulled down the front of Patient's pants and began caressing Patient's penis and testicles, while asking Patient if he had a boyfriend. Respondent briefly left the examination room and returned with a lubricant product. Respondent placed the lubricant on Patient's penis and began masturbating him with his left hand. Soon after, Patient ejaculated and Respondent licked the semen off his hand and Patient's penis. Next, Respondent performed oral sex on Patient. Afterward, Respondent told Patient that he performs private massages.

12. Respondent set a follow-up appointment with Patient for the following week and provided Patient with a document describing his work status restrictions as "no bending/twisting. Weight limit 10 lbs. Limit patient contact." Patient later told police that he was in shock and felt lifeless as the events transpired. In a subsequent pretext phone call between Respondent and Patient, Respondent admitted to masturbating Patient in the examination room.

## SECOND CAUSE FOR DISCIPLINE

**(Unprofessional Conduct: Gross Negligence; Negligent Acts)**

13. The allegations of Paragraphs 9 through 12, above, are incorporated herein by reference as if fully set forth.

14. Respondent George N. Queeley, M.D. is guilty of unprofessional conduct and subject to disciplinary action under sections 2234, and/or 2234(b) and/or 2234(c) of the Code in that

///

1 Respondent was grossly negligent and/or committed repeated negligent acts in his care and  
2 treatment of Patient, including but not limited to the following:

- 3 a) During the examination, Respondent failed to provide an adequate  
4 occupational medicine assessment for a possible nasal fracture of Patient, who  
5 had experienced blunt trauma to the nose;
- 6 b) Respondent failed to assess Patient's spinal range of motion and neurological  
7 functioning in the lower extremities, which should have occurred in the  
8 evaluation of a back injury caused by blunt force trauma;
- 9 c) Respondent did not appropriately re-check or comment on Patient's high blood  
10 pressure;
- 11 d) Respondent failed to document a thorough history of Patient;
- 12 e) Respondent provided an inadequate recommendation regarding Patient's work  
13 restrictions, as a period off work to allow for initial physical therapy and  
14 reassessment of functional status would have been more appropriate;
- 15 f) The medical record created by Respondent is incomplete given Patient's report  
16 to the police and Respondent's admissions of sexual misconduct.

17  
18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Board issue a decision:

- 21 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 12912,  
22 issued to George N. Queeley, M.D.;
- 23 2. Revoking, suspending or denying approval of George N. Queeley, M.D.'s authority to  
24 supervise physician assistants and advanced practice nurses;
- 25 3. Ordering George N. Queeley, M.D., if placed on probation, to pay the Board the costs  
26 of probation monitoring; and

27 ///

28 ///

1           4.   Taking such other and further action as deemed necessary and proper.

2  
3   DATED:   September 22, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
State of California  
*Complainant*

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